BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

For Extension of Motor Carrier Certificate.

DOCKET NO. 02-0131

DECISION AND ORDER NO. 19464

TINZ JUL 15 P 3: 42

BEPT OF CONSUMER ADVOCACY
BEPT OF COMPLEX ADVOCACY
CONSUMER AFFAIRS
CONSUMER AFFAIRS

Filed July 15 , 2002
At 8:00 o'clock A .M.

Chief Clerk of the Commission

ATTEST: A True Copy KAREN HIGASHI

Chief Clerk, Public Utilities Commission, State of Hawaii.

Migrel.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of	the Application	of)	
MAUI CHINA	TOURS, INC.)	Docket No. 02-0131
For Extension of Certificate.	Motor Carrier)))	Decision and Order No. 19464

DECISION AND ORDER

I.

MAUI CHINA TOURS, INC. (Applicant) is a common carrier of passengers by motor vehicle over irregular routes on the island of (1)1-to-7 Maui in the passenger classification, (2) 8-to-25 passenger classification, limited to utilizing motor vehicles with a maximum manufacturer's seating capacity of 17 passengers. By an application filed on May 14, 2002, Applicant seeks commission approval to extend its authority under certificate convenience and necessity 4827-C of public number (Certificate No. 4827-C) by removing the 17-passenger restriction in the 8-to-25 classification. passenger Applicant represents that if its authority is extended as requested, it can meet customer demand for motor vehicles with a larger seating capacity.

Applicant served copies of the application on the Hawaii Transportation Association, which consists of carriers that may be affected by Applicant's proposed service, and on the Division of Consumer Advocacy, Department of Commerce and

Consumer Affairs (Consumer Advocate). The Consumer Advocate did not participate in this proceeding, and no persons moved to intervene in this docket.

II.

Based upon our review of the record, we find that Applicant is fit, willing, and able to properly perform the proposed service, and to conform to Hawaii Revised Statutes chapter 271 and the requirements and rules of the commission. We also find that the proposed service is required by the present and future public convenience and necessity. Accordingly, we conclude that Applicant's request for an extension of its authority should be granted.

III.

THE COMMISSION ORDERS:

- 1. Applicant is authorized to operate as a common carrier of passengers by motor vehicle over irregular routes on the island of Maui in the 1-to-7 and 8-to-25 passenger classifications.
- 2. Applicant shall surrender Certificate No. 4827-C, and an amended certificate reflecting the operating authority granted by this decision and order shall be issued.
- 3. Applicant shall comply with all of the commission's requirements for common carriers by motor vehicle including, but not limited to, filing a lawful tariff, registering and marking the appropriate motor vehicles, and complying with the safety

requirements of the Motor Vehicle Safety Office, Department of Transportation, State of Hawaii.

- 4. Applicant shall comply with the foregoing requirements within 120 days after service of this decision and order. Failure to comply within the time specified constitutes cause for this commission to void this decision and order.
- 5. Applicant shall not commence operations under this decision and order until it has received written confirmation from the commission that all requirements have been met.

DONE at Honolulu, Hawaii this 15th day of July, 2002.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Mayne H Kimura Chairman

Dennis R. Yamada, Commissioner

By (EXCUSED)

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

02-0131.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 19464</u> upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS DIVISION OF CONSUMER ADVOCACY P. O. Box 541 Honolulu, HI 96809

MAUI CHINA TOURS, INC. c/o PETER HUNG, PRESIDENT 382 Kanaloa Avenue Kahului, HI 96732-1101

Catherine Sakato

DATED: July 15, 2002